

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of )  
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**R. Vasquez Lipi** )  
 )  
 Serial No. **09/810,660** ) Examiner: A. Berman  
 )  
 Filed: March 19, 2001 ) Group Art Unit: 1617  
 )  
 For: TOPICAL MEDICAMENT FOR )  
 SKIN INJURIES AND )  
 DISORDERS )

RESPONSE

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Sir:

This is in response to the final Office Action mailed  
 March 4, 2002.

Reconsideration and withdrawal of the rejection of  
 claims 1-15, 17-18, 22 and 24-27 under 35 USC §103 as being  
 unpatentable over Lane are respectfully requested. Lane is  
 directed to lip balm compositions containing salt and aloe  
 vera as the active ingredients. There is no disclosure or  
 teaching of the combination of beeswax with olive oil,  
 sunflower oil, almond oil, cod liver oil, and castor oil as  
 recited in all composition claims. The laundry list of  
 dozens of ingredients at column 4 of Lane does not disclose  
 or suggest beeswax in combination with olive oil, sunflower

oil, almond oil, cod liver oil, and castor oil. While beeswax and the oils recited in the present claims are listed in Lane, it is clear that Lane considered them no more than cosmetic vehicles (col. 4, lines 18-53). In contrast, in the present compositions the combination of beeswax and the oils is the active ingredient. Lane does not suggest, and even teaches away, from that. Moreover, Lane's examples likewise do not point to such a combination. In fact, none of the examples appears to utilize any of the claim 1 ingredients. Preparation of the present compositions is simply not motivated by Lane.

It is also clear that Lane cannot render obvious claims 24-27, which are directed to the treatment of injuries, such as burns. In contrast, Lane teaches that its compositions are useful to make lips feel smoother and moister.

Reconsideration and withdrawal of the rejection of claims 1-15, 17-18, 22 and 24-27 under 35 USC §103 as being unpatentable over Lane in view of Guillon are respectfully requested. Lane is discussed above. Guillon is directed to cosmetic compositions which include saponifiable fractions of vegetable or animal oils. The laundry list of at least 38 conventional cosmetic ingredients at column 2, lines 39-51 does not include beeswax, and certainly does

not disclose or suggest beeswax in combination with olive oil, sunflower oil, almond oil, cod liver oil, and castor oil. Of the six specific formulations disclosed in Guillon, only two disclose beeswax (Examples 1 and 6), but neither one contains all of the other ingredients recited in claim 1. Thus Guillon is defective, and cannot fill in the gaps between Lane and the present claims.

Further, it is clear that Guillon's disclosure of cosmetic compositions cannot render obvious claims 24-27, which are directed to the treatment of injuries, such as burns.

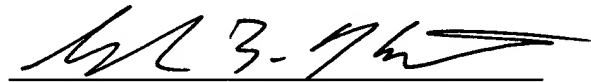
Reconsideration and withdrawal of the rejection of claim 23 under 35 USC §103 as being unpatentable over Lane alone, or in combination with Guillon and further in view of McGinity are respectfully requested. The differences between Guillon, Lane and the present claims are discussed above. McGinity is directed to stick formulations for topical drug delivery. There is no disclosure or suggestion of the combination of beeswax with olive oil, sunflower oil, almond oil, cod liver oil, and castor oil as recited in all composition claims, nor of the therapeutic uses recited in present claims 24-27. While McGinity does mention beeswax, it is used as a component of the inactive carrier material, and not as a component of the active

ingredient as in the present claims. McGinity thus teaches away from the present invention.

Moreover, none of the references recognizes the criticality of the specific amounts of beeswax recited in, for example, claims 3, 25 and those dependent therefrom. Applicants have found that the claimed ranges are critical to maintain a balance between efficacy and the physical properties of the formulation, i.e., the formulation is not too thick.

Applicant submits that the present application is now in condition for allowance. Reconsideration and favorable action are earnestly requested.

Respectfully submitted,



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